



California Fair Political Practices Commission

April 14, 1989

Barry Brandt
City Attorney, City of La Quinta
Maroney, Brandt and Holdaway
592 North Euclid Avenue
Upland, CA 91785

Re: Your Request for Advice
Our File No. A-89-201

Dear Mr. Brandt:

You have requested confirmation of advice on behalf of Councilmember Dale Bohnenberger under the Political Reform Act (the "Act").^{1/} You have asked whether the councilmember's employment with the Coachella Valley Water District (the "water district") creates a conflict of interest in city council decisions concerning the water district.

As I informed you in our telephone conversation of April 4, 1989, salary and reimbursement for expenses or per diem received from a state, local, or federal government agency is not income. (Section 82030(b)(2).) You have informed us that Councilmember Bohnenberger is a deputy chief engineer with the water district, and that the water district is a public agency. Thus, the councilmember's salary from the water district does not create a conflict of interest concerning decisions affecting the water district. (Section 87103(c).)

In addition, because a public agency is not an organization or enterprise operated for profit, the councilmember's employment with the water district does not create a conflict of interest concerning decisions affecting the water district. (Sections

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

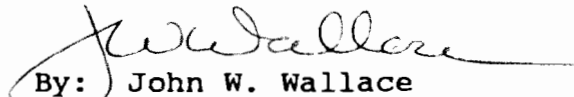
Barry Brandt
April 14, 1989
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87103(d) and 82005; Darcy Advice Letter, No. I-87-296, copy enclosed.)

If you have any further questions concerning this matter, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: John W. Wallace
Counsel, Legal Division

DMG:JWW:plh

Enclosure

DONALD E. MARONEY
BARRY BRANDT
RICHARD E. HOLDAWAY
ROBERT D. HERRICK
BRIAN KELLEY BRANDT

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78-060 CALLE ESTADO
SUITE 9
LA QUINTA, CA 92253
(619) 564-5654

PLEASE REPLY TO:

April 5, 1989

Upland

John Wallace, Esq.
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Dear Mr. Wallace:

This letter will follow-up and confirm our telephone conversation of April 4, 1989, wherein you gave me an oral opinion with the understanding that it would be followed up by a formal request by me to be followed in turn by a written opinion letter from your office.

The facts are as follows:

Dale Bohnenberger is an elected City Councilmember of the City of La Quinta, a general law city. As such, he is also a director of the La Quinta Redevelopment Agency. He is also employed by the Coachella Valley Water District as Deputy Chief Engineer. The Coachella Valley Water District comes before the City Council and the Redevelopment Agency for various flood control, storm drain projects. Just recently an issue came before the City of establishing an assessment district within the City under the terms of which, the Coachella Valley Water District would provide sewer and water facilities to effected property owners within the district.

You have indicated orally that Councilmember Bohnenberger has no conflict of interest and that his salary from the Water District, since it is a public agency, is not considered income for purposes of conflict of interest. (Government Code § 82030(B)(b)). Further, the District as a public agency, is not considered a business entity for purposes of conflict of interest as it is not operated for profit. (Government Code § 82005).

Would you please provide me with your written opinion as to whether or not Councilmember Bohnenberger has a conflict of interest in those matters coming before the City Council which might effect the Coachella Valley Water District.

While I realize that your normal time for response is 21 working days, I would ask that we receive your written response

John Wallace, Esq.

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April 5, 1989

within ten (10) days of this letter. Your courtesy when we spoke was most appreciated, and I look forward to hearing from you shortly.

Yours very truly,

MARONEY, BRANDT & HOLDAWAY
A Professional Law Corporation

A handwritten signature in cursive script, reading "Barry Brandt", with a stylized flourish at the end.

BY: BARRY BRANDT, City Attorney
City of La Quinta

BB:kpc

cc: Ron Kiedrowski
Dale Bohnenberger



California Fair Political Practices Commission

April 12, 1989

Barry Brandt
City Attorney
City of La Quinta
Maroney, Brandt & Holdaway
P.O. Box 1350
Upland, CA 91785

Re: Letter No. 89-201

Dear Mr. Brandt:

Your letter requesting advice under the Political Reform Act was received on April 7, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact John Wallace an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths by jeb
Diane M. Griffiths
General Counsel

DMG:plh